

COMMONWEALTH OF MASSACHUSETTS
State Building Code Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-610

Appellant(s): David LeBlanc

vz. Appellee(s): City/Town of Boston
Thomas White

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant requested that the Board grant him a variance from 780 CMR 921.2.1.2 of the Massachusetts State Building Code (MSBC) for 815 Boylston Street, Boston MA, a.k.a. the Apple Store. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on August 7, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

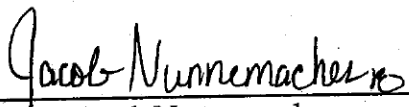
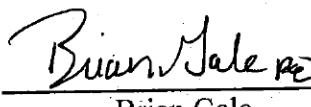

The Appellant appeared for the hearing *pro se*. Others were present also; the sign-in sheet is on file at the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 921.2.1.2, of the MSBC based upon the fact that the smoke control design of the building was done via an alternate performance-based design method which underwent a successful 3rd party review. In addition, it was noted that the motion is based upon the testimony of the appellant that this alternate design methodology was not opposed by either the Boston Inspectional Services or the Boston Fire Departments. The board vote on this motion was unanimous.

Conclusion

The Appellant's request for a variance, as described in the above Discussion, from 780 CMR 921.2.1.2, is hereby granted and so ordered² on this date: August 7, 2008.

 _____ Jacob Nunnemacher	 _____ Brian Gale	 _____ Alexander MacLeod
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¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.